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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : GARVIN S. KOTZIN

SERIAL NO. : 10/657,013

EXAMINER: LAURA A. GRIER

FILED : 09/08/2003

GROUP ART UNIT: 2644

TITLE : AUDIO PLAYER

: ACTIVATED BY

: GREETING CARD

: RETRACTION

COMMISSIONER FOR PATENTS

ALEXANDRIA, VA 22313-1450

ELECTION and TRAVERSE

Dear Sir:

In response to the requirement of September 01, 2005, Species I is elected. Claims 1-9 and 15-24 read on the elected species. Species II is one wherein the control device (which is broadly recited in Species I) is specified

as a "light-sensitive device." FIGURES 14 and 15 show this species and Claims 10 and 11 claim this species.

Species III comprises Claims 12-14. In this species, the control device (which is broadly recited in the claims of Species I) is defined as "a rotatable element." This species is shown in FIGURES 16 and 17. The Claims listed above are the claims presently in the application as amended in response to the Patent and Trademark Office letter, of September 30 2004. It is this statement of claims which is referred to below in the Traverse to this election requirement. It is believed that independent Claims 1 and 7 are generic. It is also believed that Claims 2 and 3, (dependent on Claim 1) and Claims 8 and 9 (dependent on Claim 7) are also generic. It is believed that Claim 9 should be dependent on Claim 7, and it will be amended into that dependency at the first opportunity.

In accordance with the Examiner's identification of the different species, each comprises an audio player with a body including a sound-producing device and a control device. The body has support for a card and provides sound

when the card is removed from the body. In Species I, the control device is an electric switch actuated by removal of the card. In Species II, the control device is a light-sensitive element, and in Species III, the control device is a rotatable element. There is no structure recited in the generic independent Claims 1 and 7, which excludes the control device from being a light-sensitive element or a rotatable element. These independent claims read on the Species II and III. Therefore Claims 1 and 7 are generic.



It is respectfully requested that these independent  
claims 1 and 7 be recognized as generic and that all claims  
be acted upon on their merits.

Respectfully submitted,

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